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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,040	11/12/1999	JACOBUS J.M. VAN DONGEN	4222US	1168

7590 06/10/2002

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P O BOX 2550  
SALT LAKE CITY, UT 84110

EXAMINER
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WILDER, CYNTHIA B

ART UNIT	PAPER NUMBER
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1637

DATE MAILED: 06/10/2002

21

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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21

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please find attached communication regarding Non-Responsive Amendment filed March 18, 2002.

  
Cynthia B. Wilder  
Examiner  
Art Unit 1637

Art Unit: 1637

*Notice of Non-Responsive Amendment*

1. The amendment to the claims filed on March 18, 2002 does not comply with the requirements of 37 CFR 1.121(c) because the clean and marked up copies of the claims are not the same. For example in claim 11, line 8, the clean copy of claim 11 recites the phrase "each of said pair of probes being labeled" while the marked up copy of claim 11 recites "each of said pair of nucleic acid probes being labeled". Amendments to the claims filed after March 1, 2002 must comply with 37 CFR 1.121(c) which states:

(c) Claims

(1) Amendment by rewriting, directions to cancel or add: Amendment to a claim must be made by rewriting such claim with **all** changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended", or "new").

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended", "twice amended", etc. The parenthetical expression "amended", "twice amended", etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

2. Since the reply filed on March 18, 2002 appears to be bona fide, Applicant is given a TIME PERIOD OF **ONE (1) MONTH OR THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 1637

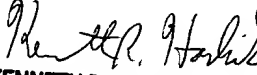
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cynthia Wilder whose telephone number is (703) 305-1680. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached at (703) 308-1119. The official fax phone number for the Group is (703) 308-4242. The unofficial fax number is (703) 308-8724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group's Patent Analyst, Monica Graves at (703) 305-3002 or Group's receptionist at (703) 308-0196.

Cynthia B. Wilder, Ph.D.

May 8, 2002

  
KENNETH R. HORLICK, PH.D.  
PRIMARY EXAMINER

5/9/02